UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/S-4/SR.6
12 October 1999

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS

Fourth special session

SUMMARY RECORD OF THE 6th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 27 September 1999, at 6 p.m.

Chairperson: Ms. ANDERSON (Ireland)

CONTENTS

LETTER DATED 9 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF PORTUGAL TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNITED NATIONS HIGH COMMISSION FOR HUMAN RIGHTS (continued)

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FOURTH SPECIAL SESSION

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GE.99-15808 (E)

The meeting was called to order at 6.10 p.m.

LETTER DATED 9 SEPTEMBER 1999 FROM THE PERMANENT REPRESENTATIVE OF PORTUGAL TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/S-4/L.1/Rev.1)

Explanations of vote after the vote (continued)

1. Mr. PALIHAKKARA (Sri Lanka) said that his delegation, its reservations notwithstanding, had participated in the special session in a constructive spirit, on account of the importance and seriousness of the agenda item. The Government of Sri Lanka deeply deplored the violence in East Timor and had offered to contribute troops to the multinational force. Such measures, along with those aimed at meeting the humanitarian needs of the population, were certainly more effective than the creation of new international institutions. That was all the more true when a Government extended its fullest cooperation to the United Nations and other international bodies and committed itself to investigating human rights violations and punishing their perpetrators. His delegation had therefore voted against the draft resolution.

2. Mr. AMAO FLORES (Cuba) said that the Government of Cuba had long been recommending the adoption of urgent measures to put an end to the violence in East Timor and enable the territory to accede to independence in accordance with the freely expressed desires of the population. There was no rationale for the request formulated in paragraph 6 of the draft resolution in that the Indonesian National Commission on Human Rights had decided to establish a commission of inquiry in order to gather information on possible violations of human rights and international humanitarian law committed in East Timor following the referendum and to prepare recommendations to enable the competent authorities to act in accordance with the law. Any investigative mechanism must be established with Indonesia's agreement and cooperation. Indonesia must therefore be allowed to assume its responsibilities and fulfil the commitments it had assumed vis-à-vis the international community. For that reason, the delegation of Cuba had voted against the draft resolution.

3. Mr. MOOSE (United States of America) reiterated his Government's belief that the only possible reaction of the United Nations Commission on Human Rights to the tragic events in East Timor, if it was to respond appropriately to its mandate, was to establish a process for gathering the facts of events and reporting those facts to the international community.

4. His delegation would have liked the Commission to achieve a consensus on that issue and agree on a text acceptable to all parties which would have reflected a strong measure of responsibility on the part of the Indonesian Government in restoring peace and stability in the region. Unfortunately, that had not been possible. His delegation had therefore voted in favour of the draft resolution because it demonstrated concerns within the international community regarding the events which had taken place in East Timor and provided for a credible and effective response.

5. Mr. SIDDIG (Sudan) reminded the meeting that his delegation had not been in favour of holding the special session and had made public its opposition to any action by the Commission that did not help towards the restoration of peace and respect for human rights in East Timor. The Government of Indonesia had demonstrated its desire to cooperate with the United Nations and to make peace prevail and had announced the establishment of a national commission to gather information on any violations that might have been committed. His delegation did not therefore see any purpose in an international commission and for that reason had voted against paragraph 6 and the draft resolution as a whole.

6. Ms. KUNADI (India) said that despite doubts on the procedure followed to convene the special session of the Commission on Human Rights, her delegation had participated in it in a constructive spirit. At the opening of the session it had expressed the hope that the Commission would not take any action that might further complicate an already difficult and complex situation and stated that it would place its faith in the process already set in motion by the Security Council with the cooperation of the Government of Indonesia. The Commission's role was to promote confidence and cooperation with all countries. Her delegation therefore regretted that the approach followed by the sponsors of the resolution had not enabled the Commission to arrive at a consensus. The insistence on including contentious elements in the resolution would certainly not help the situation nor encourage reconciliation in East Timor. In view of those considerations, her delegation had had no option but to vote against the draft resolution.

7. Ms. JANJUA (Pakistan) began by stating that her delegation's vote in favour of paragraph 6 of the draft resolution under consideration had been an error and that it would rectify its position in writing. It had voted against the draft resolution as a whole in order to make it quite clear that its Government was aware of Indonesia's courage in accepting the fact that the people of East Timor could exercise their right to self-determination. Pakistan, like other countries, strongly deplored the acts of violence which had followed the referendum, but was of the opinion that it should not be forgotten that the Government of Indonesia had voluntarily agreed to cooperate with the United Nations Security Council. Her delegation regretted that no consensus had been possible in the Commission owing to the intransigence of the sponsors of the draft, and that it had therefore been obliged to vote against the draft resolution.

REPORT TO THE ECONOMIC AND SOCIAL COUNCIL ON THE FOURTH SPECIAL SESSION (agenda item 4) (E/CN.4/S-4/L.2)

8. Mr. CHATTY (Rapporteur), introducing the draft report of the Commission on Human Rights on its fourth special session (E/CN.4/S-4/L.2), said that the report be published as a supplement to the official records of the Economic and Social Council and submitted to the session of the Economic and Social Council scheduled for 28 October 1999.

9. The draft report comprised five chapters. Chapter I contained the text of the draft decision which would be prepared on the basis of the draft resolution adopted by the Commission and submitted to the Council for approval. Chapter II contained the draft resolution adopted by the Commission. Chapter III concerned the organization of the session.

Chapter IV summarized the discussion. Chapter V dealt with the adoption of the report. The customary annexes would be attached to the report. For all information concerning the content of the discussions and the statements made, participants were invited to consult the summary records of the session. The final version of the report would be completed in the next few weeks. He recalled that all requests for corrections should be sent to him within one week.

10. The CHAIRPERSON said that, if there was no objection, she would take it that the Commission wished to adopt the draft report ad referendum, on the understanding that the Rapporteur would prepare the final version with the assistance of the secretariat.

11. It was so decided.

12. Mr. RAMCHARAN (Deputy High Commissioner for Human Rights) said that, at the time of its establishment, the Commission on Human Rights had decided to undertake three major projects: the drafting of a declaration on human rights, the institution of one or more human rights instruments and the organization of means of implementation. It could be said that the Commission was still working on the third project. The Commission's history was shot through with bitter battles but also with major victories for human rights, as in the case of apartheid. As from 1965, developing countries, which were then beginning to join the United Nations, had been the first to demand that the United Nations should deal with gross violations of human rights. The resolutions adopted by the General Assembly that year had led to the adoption by the Commission of resolution 8 (XXIII) which set out the Commission's tasks in that respect.

13. He further recalled that the consideration of the situation in Uganda in the 1970s had also given rise to confrontations within the Commission in the name of group solidarity, to the detriment of the rights of the population concerned. The High Commissioner for Human Rights had intimated clearly that it was the Commission's responsibility to give fair and objective attention to gross violations of human rights wherever they occurred. That was his understanding of the call by the representative of Chile to consider the question in "a climate of cordial equanimity".

14. Where the procedural issues raised during the discussion and especially at the start of the session were concerned, they had their use in a sense and the secretariat could draw lessons from them for the future. It would be a good idea to consider a means of enabling Member States to give a clear "yes" or "no" to a question put to them. Thought should also be given to the matter of telephone messages or telephone votes. In any case, the Office of the High Commissioner would continue to work for objectivity and impartiality and to act in accordance with its mandate and the provisions of the Charter of the United Nations and the Universal Declaration of Human Rights.

15. The CHAIRPERSON declared closed the fourth special session of the Commission on Human Rights, on the question of East Timor.

The meeting rose at 6.35 p.m.